

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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BOSTON SCIENTIFIC CORPORATION, Civil No. 10-4525 (RHK/JSM)

Plaintiff,

vs.

**ORDER MODIFYING PRELIMINARY  
INJUNCTION AND DISMISSING  
CASE WITH PREJUDICE**

MARY EVELYN DUBERG and  
MEDTRONIC, INC.,

Defendants.

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This matter came before the Court on the motion of plaintiff Boston Scientific Corporation (“Boston Scientific”) for a temporary restraining order/preliminary injunction against Defendants Mary Evelyn Duberg (“Duberg”) and Medtronic, Inc (“Medtronic”). On November 24, 2010, the Court granted Boston Scientific’s motion, enjoining Duberg, until May 27, 2011 (one year from the date she left Boston Scientific), from engaging in certain competitive activities with respect to a list of physicians and medical facilities, as specified in the Court’s Order.

Having reviewed the parties’ settlement agreement, **IT IS ORDERED THAT:**

1. The Court’s Preliminary Injunction, dated November 24, 2010, is modified so that it shall not apply to contacts with Dr. Randy Lieberman and Dr. Matthew Ebinger outside of the medical facilities identified in paragraph 2 of the Preliminary Injunction. As so modified, the Preliminary Injunction shall run through May 27, 2011, and shall then expire.

2. The Court shall maintain jurisdiction to enforce the terms of the Preliminary Injunction, but Defendants need not answer or otherwise respond to Boston Scientific’s Complaint.

3. On May 30, 2011, Plaintiff's claims shall be **DISMISSED WITH PREJUDICE**,  
with each party to bear its own costs and attorney's fees.

Dated: March 24, 2011

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge